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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/985,823

11/06/2001

Akiko Taira

2001\_1650A

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7590

05/20/2004

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EXAMINER

COMAS, YAHVEH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/985,823

Applicant(s)

TAIRA ET AL.

Examiner

Yahveh Comas

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10,13-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,13-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments see pages 6-7, filed 4/22/2004, with respect to claims 10, 13-16 and 18-24 have been fully considered and are persuasive. The rejection of claims 10, 13-16 and 18-24 has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 10, 13-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over P.W. Fuller U.S. Patent No. 1,071,042 in view of Hale U.S. Patent No. 3,862,444.

Fuller discloses a casing having an inlet (17) and exhaust port (18), a plurality of motors arranged in said casing, each motor including, and a rotor (21,29 and 38) rotatably supported on said stator (20, 28 and 37) said motor being arranged such that said rotor of each of said motors rotates about common axis of rotation, a plurality of rotating members (1, 2 and 3) arranged within said casing and adjacent to each other in an axial direction along said common axis of rotation so as to share said common axis of rotation, each of said rotating member being attached to a corresponding rotor of one of said motor, and a plurality of bearings (26 and 27) rotatably supporting said rotating member so that said rotating members rotate independently. Each of said rotating members has a set of blades (15, 5 and 9) to be rotated by a corresponding one of said motors (for example column 2 lines 86-100). Fuller disclose the claimed invention except for:

- Stator having a different number of poles
- The plurality of motors includes a first motor having two-pole stator winding, a third motor having a twelve-pole stator winding, and a second motor having a six-pole winding and being arranged between said first motor and said third motor.

However, Hale discloses the use of a plurality of stators having different number of poles in order to vary the revolution between motors connected in parallel to slip ring assembly (66) by a lead (68) for the first stator winding (57) and a lead (70) for a second stator winding (63) winding wherein the motors have the same voltage and the same rate frequency (column 4 lines 36-64 and figure 1).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to provide a different number of poles in the stator in order to varied the number of revolutions between motors as disclose by Hale since Fuller disclose that the pumping elements are independent from each other and are intended to rotated at a different speeds (column 2, lines 90-110) and changing the number of poles would have been desirable to provide a difference between the revolution of said motors as disclosed by Hale.

Regarding claims 14, 19, 21 and 23, Hale discloses the changing the number of poles produce a difference in the motors revolution. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a different number of poles between the motors, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding to the arrange of each stator, Fuller discloses that the pumping elements are independent from each other and are intended to be rotated at a different speeds. Hale as disclosed above discloses the use of different number of poles in order to provide different speed between motors. Its has been held that the arranging the motors by the number involves only routine skill in the art since, as disclosed by Fuller, each motor will have different speeds and are connected physically one in top of the other (column 2, lines 91-95 and Fig. 1-4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the stators from the smallest number of poles to the largest number of poles, since it has been held

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that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70

Regarding to claim 20, Fuller discloses that his invention relates to rotary pumps. Therefore, it would have been obvious to one having skill in the art at the time the invention was made to use the vacuum pump as a turbo-molecular pump since was known in the art that a turbo-molecular pump is a rotary pump.

Regarding claim 24, Fuller, as modified above, discloses the claimed invention except for the frequency of the exciting current was 500Hz. Excitation current with a frequency is supplied to the stator coils, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an frequency of 500Hz, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

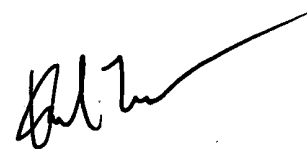
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571)272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KARL TAMAI  
PRIMARY EXAMINER



YC